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Filing date: **08/23/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91171174
Party	Plaintiff MET- Rx Substrate Technology, Inc.  MET- Rx Substrate Technology, Inc. 90 Orville Drive Bohemia, NY 11716 UNITED STATES
Correspondence Address	Scott B Fisher Jaspan Schlesinger Hoffman LLP 300 Garden City Plaza Garden City, NY 11530 UNITED STATES lhechtel@jshllp.com, sfisher@jshllp.com
Submission	Withdrawal of Opposition
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Signature	/lee grosskreuz hechtel/
Date	08/23/2006
Attachments	executedstipulation august 23 2006.pdf ( 2 pages )(67242 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application

Applicant : Freedom Marketing Group, LLC  
Serial No. : 78/513,173  
Filed: : November 8, 2004  
Mark : MELT RX 24 ULTRA with Design  
Int'l Class : 5  
For : Nutritional supplements, diet pills, herbal supplements, dietary supplements,  
vitamin and mineral supplements  
Published : May 2, 2006

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MET-RX Substrate Technology, Inc.,	:
	:
Opposer,	:
	:
v.	:
	:
Freedom Marketing Group, LLC,	:
	:
Applicant.	:
	:
-----X	

**Opposition No.: 91/171,174**

**STIPULATED MOTION TO AMEND APPLICATION AND  
STIPULATED CONTINGENT MOTION TO DISMISS WITH PREJUDICE**

Applicant, Freedom Marketing Group, LLC, with the consent of Opposer, MET-RX Substrate Technology, Inc., hereby moves to amend Application Serial No. 78/513,173, which is the subject of this proceeding, so that the description of goods will read as follows:

**Class 5:**

**"Appetite suppressants, excluding dietary supplements and nutritional supplements."**

Approval by the Board of this stipulated amendment is respectfully requested because it clarifies and limits the scope of the goods and services.

Opposer, with the consent of Applicant, hereby moves to dismiss the Notice of Opposition and this Opposition No. 91171174, with prejudice, contingent on the Board's prior acceptance and entry of the foregoing stipulated amendment.

The parties also jointly move that this opposition proceeding be suspended until the Board's ruling on this motion, and that, if this motion is denied for any reason, the Board set new discovery and trial testimony dates.

STIPULATED AND CONSENTED TO BY APPLICANT:

Weide & Miller, Ltd.  
Attorneys for Applicant  
Freedom Marketing Group, LLC

By: 

Gregory F. Buhyoff  
Fifth Floor Bank West Building  
7251 West Lake Mead Blvd., Suite 530  
Las Vegas, Nevada

Date: August 23, 2006

STIPULATED AND CONSENTED TO BY OPPOSER:

Jaspan Schlesinger Hoffman LLP  
Attorneys for Opposer  
MET-RX Substrate Technology, Inc.

Date: August 23, 2006

By: 

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Lee Grosskreuz Hechtel  
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